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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,298	09/19/2003	Daniel J. Lemkuil	17066/002001	9053

7590 09/16/2004

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EXAMINER

LUEBKE, RENEE S

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,298

Applicant(s)

LEMKUIL

Examiner

Renee S. Luebke

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/5/04</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The specification and claims are objected to because the control devices discussed therein are not seen to be "child-proof." Children, as young as 3, can operate each of the structures discussed. However, in as much as some of these devices are somewhat protective, the invention of the present application is understood in that light.

2. Claims 7, 8, 14 and 15 are objected to because:

- a. Claim 7 lacks antecedent basis for "the second end."
- b. Claim 14 lacks antecedent basis for "the electronic device."
- c. Claim 15 lacks antecedent basis for "the electronic device."

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Faller. This plug comprises a body with a first end 10 adapted to be inserted into a power port, a locking device 7, 10, 12, and a control device 9. In regard to claims 2 and 7, the second end of the body comprises an attachment 4. In regard to claim 9, attention is directed to the embodiment in Figs. 4A and 4B.

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5. Claims 1, 2, 4-7, 9, 10-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Garrison. This plug comprises a body with a first end 18 inserted into a power port, a locking device 22, and a control device 38. A second end of the body includes an attachment 12. In regard to claims 2 and 7, the second end of the body comprises an attachment 4. In regard to claim 9, attention is directed to the embodiment in Figs. 4A and 4B. In regard to claim 9, the expansion of members 22 is seen to expand the diameter of the locking member.

6. Claims 3, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrison. Garrison does not indicate the function of the attachment other than to suggest an electrical appliance. However, clocks and signs (including those with LED and LC displays) are well known electrical appliances that should not be disturbed by disconnection of the plug. Therefore, it would have been obvious to use the plug of Garrison with a clock or a sign.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu and Erez, et al. disclose electronic devices attached to plugs for power ports.

8. Claim 15 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Any response to this action may be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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or faxed to:
(703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (571) 272-2009.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.

A handwritten signature in black ink, appearing to read 'R. Luebke', with a stylized flourish at the end.

Renee S. Luebke
Primary Patent Examiner
September 13, 2004